

July 6, 2022

VIA ECF

Honorable Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY

Re: Cuzco v. NY Tex Care Inc et al., 22-cv-01104

Dear Judge Kuo,

This firm represents Plaintiff Manuel Cuzco in the above-referenced matter. We write this letter to explain the reason for failing to file proof of service and to follow the court's June 16, June 24, 2022.

On March 1, 2022, I filed his complaint to this court under FLSA and NYLL against Defendants. After filing the complaint, we discovered that the defendants were being sued for the same FLSA violation in the Eastern District in another matter. I reached out to Mr. Arthur H. Forman who is Defendants' counsel in the other FLSA case, Francisco v. NY Tex Care Inc et al., 19-cv-01649, and sent him the filed complaint in this action. The other case was settled and dismissed on May 12, 2022. We asked Mr. Forman if he would accept service on behalf of the defendants but did not hear back.

On May 24, 2022, we informed Mr. Cuzco that the other case had been settled but Mr. Cuzco said he may want to hire another attorney for his wage case instead of our firm. He said he would talk to his new attorney and tell us what to do further. We waited for his clarification but did not receive response from him. Therefore we were in a limbo not knowing what to do.

On June 17, 2022, I called him and informed him that we can seek to withdraw from this case and his other attorney can take over the case. I recommended this option because this would preserve his statute of limitation period. Again, Mr. Cuzco did not provide us with clear direction of what to do.

To protect plaintiff Mr. Cuzco's interest, we have placed service of process to be made via secretary of state for the corporate defendant today on a rush service.

As soon as we receive a proof of service, which we expect to receive in seven days or so, we will file it immediately with the court and discuss with the plaintiff how he wishes to move forward. We sincerely apologise for the delay in informing the Court of the development. We will make sure either to fully pursue this action going forward or if plaintiff wishes, insure his new counsel will receive the full file and plaintiff will not lose any of recovery period for the FLSA and NYLL violations.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Kim". The signature is fluid and cursive, with a stylized "R" and "K".

Ryan Kim, Esq.